

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

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| LAVONE HOOPER, | : | Case No. 3:12-cv-108 |
| | : | |
| Petitioner, | : | Judge Timothy S. Black |
| | : | Magistrate Judge Michael R. Merz |
| vs. | : | |
| | : | |
| WARDEN, Warren Correctional Institution, | : | |
| | : | |
| Respondent. | : | |

DECISION AND ENTRY: (1) ADOPTING THE REPORT AND RECOMMENDATIONS OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 18); (2) DISMISSING PETITIONER'S PETITION WITH PREJUDICE (Doc. 2); (3) DENYING ANY REQUESTED CERTIFICATE OF APPEALABILITY; (4) CERTIFYING THAT ANY APPEAL WOULD NOT BE TAKEN IN GOOD FAITH AND DENYING PETITIONER LEAVE TO APPEAL IN FORMA PAUPERIS; AND (5) TERMINATING THIS CASE

This case is before the Court on the Report and Recommendations of United States Magistrate Judge Michael R. Merz. (Doc. 18). The Magistrate Judge concludes that Petitioner's Petition for Writ of Habeas Corpus (Doc. 2) should be dismissed with prejudice. In addition, the Magistrate Judge recommends that Petitioner should be denied a certificate of appealability and that Petitioner should be denied leave to appeal *in forma pauperis*. (Doc. 18). Petitioner filed no objections to the Report and Recommendations of the Magistrate Judge and the time for doing so expired on January 27, 2014.

As required by 29 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered the issues presented *de novo*. Based upon the reasoning and citations of authority set forth in the

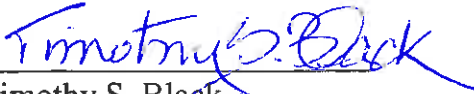
Magistrate Judge's Report and Recommendations (Doc. 18), and based upon the Court's *de novo* review, the Court:

- (1) **ADOPTS** the Report and Recommendations of the United States Magistrate Judge (Doc. 18) in its entirety;
- (2) **DISMISSES** Petitioner's Petition for Writ of Habeas Corpus (Doc. 2) with prejudice;
- (3) **DENIES** any request for a certificate of appealability under 28 U.S.C. § 2253(c);
- (4) **CERTIFIES** that any appeal would not be taken in good faith and **DENIES** any request for leave to appeal *in forma pauperis*; and
- (5) **DIRECTS** the Clerk to enter judgment accordingly, whereupon this case **TERMINATES** on the Court's docket.

IT IS SO ORDERED.

Date: _____

2/3/14



Timothy S. Black
United States District Judge